



**NATIONAL VETERANS  
AFFAIRS COUNCIL**  
American Federation of Government Employees  
AFFILIATED WITH THE AFL-CIO

**ALMA L. LEE**  
**President**

February 17, 2021

Ophelia Ann Vicks  
Acting Executive Director  
Office of Labor-Management Relations  
U.S. Department of Veterans Affairs  
[ophelia.vicks@va.gov](mailto:ophelia.vicks@va.gov)

**RE: Executive Order 14003: *Protecting the Federal Workforce***

Dear Acting Executive Director Vicks:

On January 25, 2021, I wrote to you concerning President Biden's Executive Order 14003: *Protecting the Federal Workforce*. As you know, President Biden revoked Executive Orders 13836, 13837, and 13839 and directed executive agencies to "as soon as practicable, suspend, revise, or rescind" actions "related to or arising from" those orders. In my January 25 letter, and on behalf of the more than 265,000 employees represented by AFGE/NVAC, I insisted that the Department take immediate action to comply with President Biden's directive and to restore the collectively-bargained rights set forth in the 2011 Master Agreement.

On February 16, it was brought to my attention that you drafted a letter with the subject line "Union Office Leases and Related Rental Payment Obligations." However, I did not receive that letter from you or any Department official by email, as indicated. I would take this opportunity to also remind your office that the correct mailing address for AFGE/NVAC is currently 3441 Brandon Avenue SW, Roanoke, Virginia 24018. We do not maintain a Post Office box. Like our AFGE sisters and brothers across the country, AFGE/NVAC acquired this office space at our own expense when the Department unlawfully implemented Executive Order 13837.

As for the content of your letter, I am pleased to learn that the Department now intends to take action to comply with Executive Order 14003 and provide cost-free office space to AFGE Locals. The Department's decision to implement section 4 of Executive Order 13837 and require AFGE entities to pay rent for VA office space or acquire non-VA office space at their own expense violated the 2011 Master Agreement, the Federal Service Labor-Management Relations Statute, and section 9 of Executive Order 13837 itself. AFGE/NVAC recently prevailed in arbitration on this very issue, and we intend to take any actions necessary to enforce that award. Specifically, Arbitrator William Persina

found that the Department committed several unfair labor practices through its unlawful implementation of Executive Order 13837 and ordered a “make-whole” remedy that not only required the Department to fully comply with Article 51 of the 2011 Master Agreement, but also to reimburse AFGE entities for out-of-pocket expenses related to office space, rent, storage, and equipment. Consistent with that award, the Department should not only stop the collection of “rent” but also institute measures to reimburse these expenses.

Your letter also indicates that AFGE union officials “should they desire to return to VA office space, may notify local facility management of that desire.” However, the Department’s obligation to provide the Union with cost-free office space, equipment, and technology is **required** by the 2011 Master Agreement.<sup>1</sup> This obligation is **not** subject to AFGE officials “electing” or “opting-in” to receive these benefits, as your letter implies. Please correct this misstatement as soon as possible. Finally, as for the “suitability” of office space provided to AFGE Locals, I would again insist that the Department comply with Article 51 of the 2011 Master Agreement, as well as any applicable local agreements, and that it return to the status quo ante.

It has been more than three weeks since President Biden issued Executive Order 14003. Still, the Department continues to enforce the provisions of Executive Order 13837 by subjecting union officials to unlawful restrictions on official time and by failing to provide cost-free access to office space, equipment, and technology, as required by the 2011 Master Agreement.

AFGE/NVAC remains ready, able, and willing to work with the Department to ensure a safe and healthy work environment for our employees as they continue to deliver the best possible care and services to our nation’s Veterans. I look forward to your response.

Sincerely,



Alma L. Lee  
President  
National Veterans Affairs Council, #53  
American Federation of Government Employees, AFL-CIO

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<sup>1</sup> For example, see Article 51, Section 1(A): “Accordingly, the Department agrees to furnish office space to the Union appropriate for carrying out its representational and partnership duties in locations easily accessible to employees and private citizens and of size, furnishings, and decor commensurate with other administrative offices within the facility.”